

REMARKS

None of the claims have been amended by this response. Accordingly, claims 2–5 and 8–10 are currently pending in this application.

In the final Office Action dated August 9, 2007, claims 2–4 and 8–10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,423,147 to Dupuy (“Dupuy”) and claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dupuy in view of U.S. Patent No. 5,449,544 to Ogawa et al (“Ogawa”).

Applicant respectfully traverses the rejection of independent claim 9 as anticipated by Dupuy. Dupuy does not disclose or suggest, among other things, a fastening portion having a fastening lip spaced apart from a sealing portion by a gap, as recited by claim 9. As shown in Figs. 1 and 2 of the current application, “the fastening portion 12 comprises a fastening lip 13 spaced away from the sealing portion 11 by a gap 14. The gap 14 facilitates handling the weatherseal in the course of fully automated assembly...” (Specification, p. 5, ll. 15–17.)

The alleged fastening portion 30 of Dupuy is actually a wall of the sealing portion 14 (See Dupuy, col. 3, l. 19) and does not have a fastening lip as recited in claim 9. In addition, the alleged fastening lip 28 of Dupuy is a *sealing* lip and, as Dupuy indicates, the outer surface 26 of the seal structure 14 “has an extending lip 28.” (Dupuy, col. 3, ll. 24–26.) Dupuy gives no indication that the alleged fastening portion 30 has a fastening lip of any kind, nor does the Office Action cite to any such teaching.

Dupuy also indicates that, as shown in Fig. 1, the extending lip 28 “serves as an extension of [the outer surface 26 of the seal structure 14].” (Dupuy, col.

3, ll. 24–27.) Thus, not only is the extending lip 28 not part of the alleged fastening portion 30, but the extending lip 28 is a direct extension of the seal structure 14 and is not spaced apart therefrom by any gap. Although the Office Action alleges that such a gap is taught by Figure 1 of Dupuy “where number 21 is located,” no gap taught in any of the figures of Dupuy is positioned or otherwise configured such that the extending lip 28 is spaced apart from the seal structure 14 thereby. (Office Action, p. 2, ll. 13–14.) Should the Examiner choose to continue this rejection in a further Office Action on the merits, Applicant requests a clearer indication of what elements in Dupuy correspond to Applicant’s claim, where such a gap is taught in Dupuy, and how such a gap meets the limitations of claim 9.

Dupuy also does not disclose or suggest, among other things, an adhesion body being arranged at a second side of the fastening lip, as recited by claim 9. As shown in Figs. 1 and 2 of the current application, the “fastening portion 12 is coextruded to an adhesion body 20 arranged at the side of the fastening lip 13 opposite the gap 14.” (Specification, p. 5, ll. 19–20.)

The alleged adhesion body 18 of Dupuy, however, is not arranged at a second side of a fastening lip, as recited in claim 9. Instead, as shown in Fig. 1 of Dupuy, the alleged adhesion body 18 of Dupuy is arranged completely away from the extending lip 28 and is wholly spaced apart therefrom by at least the space 34 and the wall 30. The Office Action does not identify any teaching in Dubuy that meets this limitation of claim 9. Accordingly, should the Examiner choose to continue this rejection in a further Office Action on the merits, Applicant requests a citation to a teaching in Dubuy of the alleged adhesion body 18 being arranged at a second side of a fastening lip, as recited in claim 9.

Ogawa does not cure any of the deficiencies of Dubuy discussed above, nor was it cited for such disclosure. Instead, Ogawa merely teaches, for example, a weather strip without a gap between the sealing element (3) and the trim portion (2), and there is no mention of a gap between the sealing element (3) and the trim portion (2) in the Ogawa specification.

Since Dubuy, either alone or in combination with Ogawa, fails to disclose or suggest, among other things, a fastening portion having a fastening lip spaced apart from a sealing portion by a gap, and an adhesion body being arranged at a second side of the fastening lip, as recited in claim 9, Applicant traverses the rejection of independent claim 9. Reconsideration is respectfully requested.

Claims 2-5, 8, and 10 depend directly or indirectly from independent claim 9, and are therefore allowable for at least the same reasons stated above with regard to claim 9. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Applicant respectfully requests that this response be entered by the Examiner, placing claims 2-5 and 8-10 in condition for allowance. Applicant submits that the remarks herein do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were earlier claimed in the claims as examined. Therefore, this response should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final Office Action presented some new arguments as to the application of the art against

Applicant's invention. It is respectfully submitted that entering this response would allow Applicant to reply to the final rejections and place the application in condition for allowance.


Finally, Applicant submits that entry of this response would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account.

Respectfully submitted,



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